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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DARREN WOLFBERG,

Plaintiff,
- against -

JPMORGAN CHASE BANK, N.A.,
TRANS UNION, LLC,
EXPERIAN INFORMATION SOLUTIONS, INC.,
and EQUIFAX INFORMATION SERVICES, LLC,

Defendants.

Case No. 7:24-cv-421

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and based upon the grounds set forth in this Notice of Removal, defendant JPMorgan Chase Bank, N.A. ("Chase") hereby moves to remove the claims at issue in plaintiff Darren Wolfberg's ("Plaintiff" or "Wolfberg") Complaint, as described more fully below, from the Supreme Court of the State of New York, County of Westchester, to the United States District Court for the Southern District of New York. In support of its Notice of Removal, Chase states as follows:

1. On December 20, 2023, Plaintiff served Chase's agent for service of process in New York with a copy of the Summons and Complaint filed in the Supreme Court of the State of New York, County of Westchester, where the matter was assigned Index No. 71947/2023. A true and accurate copy of the Summons and Complaint is attached hereto as Exhibit "1".
2. The Complaint constitutes the initial pleading for purposes of removal under 28 U.S.C. §1446(b) as it provides the necessary facts to support this notice of removal. Removal is

thus timely under 28 U.S.C. §1446(b) because Chase has filed this notice within thirty days of its accepting service of the Summons with Notice. Chase has not responded to the Complaint in the state action.

3. The Complaint alleges in sum and substance that Chase violated 15 U.S.C. § 1681s-2(b) by failing to conduct a reasonable investigation of Plaintiff's dispute concerning a Chase auto lease account reporting on his credit report and continuing to furnish erroneous information. As a consequence of Chase's actions, Plaintiff allegedly suffered injury to his credit worthiness, as well as embarrassment, humiliation, and other emotional harm. *See* Ex. 1, at ¶¶74-82.

4. This Court has original jurisdiction over this action because it arises under the laws of the United States. 28 U.S.C. § 1331. “[A] case arises under federal law when federal law creates the cause of action asserted.” *Gunn v. Minton*, 568 U.S. 251, 257 (2013). Here, the Complaint asserts a cause of action created by federal law under the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* The FCRA applies to claims involving any information furnished to consumer reporting agencies. *See Macpherson v. JPMorgan Chase Bank, N.A.*, 665 F.3d 45, 47-48 (2d Cir. 2011)(citing 15 U.S.C. §1681t(b)(1)(F) (“[n]o requirement or prohibition may be imposed under the laws of any State with respect to any subject matter ... relating to the responsibilities of persons who furnish information to consumer reporting agencies ...”)). Accordingly, pursuant to 28 U.S.C. §§ 1331 and 1441(b), causes of action arising under the FCRA, insofar as they implicate a federal question, are properly removed to federal court. *See, e.g., Green v. NCO Inovision*, 2010 WL 147934, at *1 (D.N.J. Jan. 11, 2010); *Farley v. Williams*, 2005 WL 3579060, *1, 2 (W.D.N.Y. Dec. 30, 2005); *Caltabiano v. BSB Bank & Trust Co.*, 387 F.Supp.2d 135, 137 (E.D.N.Y. 2005).

5. Copies of all process, pleadings, and orders served upon and filed by Chase in the State court action are attached hereto as required by 28 U.S.C. § 1446(a).

6. Each of the other named defendants in this action have already been voluntarily dismissed, with prejudice, by Plaintiff. *See* Notice of Partial Discontinuance annexed hereto as Exhibit "2".

7. Chase is filing a copy of this Notice with the Supreme Court of the State of New York, County of Westchester, in accordance with 28 U.S.C. § 1446(d).

8. This Notice of Removal is also filed with a Disclosure Statement certifying the identity of all publicly traded corporate entities associated with Chase, in accordance with the requirements of Rule 7.1 of the Federal Rules of Civil Procedure.

WHEREFORE, defendant Chase requests that this action be removed from the Supreme Court of the State of New York, County of Westchester, to the United States District Court for the Southern District of New York.

Dated: New York, New York
January 19, 2024

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